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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,673	08/06/2001	Anthony Singer	MARKS I	1540

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EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,673

Applicant(s)

SINGER ET AL.

Examiner

Corbett B. Coburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Claims 19-24 & 27 in Paper No. 4 is acknowledged. The traversal is on the ground(s) that Examiner used the wrong form-paragraph for making the restriction. Applicant argues that instead of being species/subspecies, the claims are combination/subcombinations. Applicant argues that Examiner should have used form paragraph 8.01 to make the restriction instead of 8.02. (Page 6 of Paper No. 4) Whichever interpretation is placed on the claims, the requirement is still deemed proper and is therefore made FINAL.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Gaming Machine With Two Or More Independent Reel-Type Games Of Chance Sharing A Single Payout Pool.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the separate means to allow a player to view an explanation of the operation, rules and payouts for each game must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatley et al (GB 2,239,547) in view of Piechowiak et al. (US Patent Number 6,012,982).

Claims 1, 25. Gatley teaches a gaming device in which each slot game has a plurality of reels, a plurality of symbols associated with each reel – i.e., a “fruit machine”. (Abstract) Gatley’s gaming machine having at least a first slot game and second slot game thereon. (Abstract) The first slot game to operates independently of the second slot game with regard to the activation of the slot reels, the display of the symbols on each reel and the determination of an outcome on each pay line and there is a common pool of credits from which each slot game uses credits to make wagers and to which each slot game accrues awards from any winning occurrences on the slot game. (Page 2) Gatley does not, however, specifically teach a plurality of pay lines for each game.

Multiple paylines are extremely well known in the art. Piechowiak provides one example. (612-614) Having multiple paylines encourages players to bet more money on each game because the chance of winning increases with the amount bet. This increases the casino’s profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have each game

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have multiple paylines in order to encourage players to bet more money on each game, thus increasing the casino's profits.

Claims 2, 26: Gatley teaches using a separate input means to make a wager on each slot game and using a separate means to activate the start of each slot game. (Control buttons, page 2, line 25) Each game comes with a separate display panel (p 2, 25), which is a separate means to allow a player to view an explanation of the operation, rules and payouts for each game. Gatley indicates that a common credit register may be provided (p 2, 32-34), this implies that separate registers to allow the player view the wager made, the credits accrued and other information pertinent to the operation of each game may also be provided. Gatley teaches using a common control means to allow the player to receive a payout of any amount of accrued credits. (p 2, 34-36)

Claim 3: It is clearly possible for each of Gatley's games to be the same game in every aspect, including having the same set of rules, symbols, pay lines, wagers, music, artwork and random number generator.

Claim 4: Gatley states that each module may provide a different game. (p 3, 24-25) Thus each game may be a different game in one or more aspects, including having a different set of rules, symbols, pay lines, wagers, music, artwork or random number generator.

Claim 5: Clearly each of the slot games on Gatley's gaming machine may be selected by a manufacturer of the gaming machine.

Claim 6: Since Gatley discloses removing and replacing games (p3, 19-25), each of the slot games on the gaming machine may be selected by a gaming establishment who is acquiring the gaming machine.

Claim 7: Gatley discloses displaying both available games for the player to choose from. This is equivalent to providing that each of the slot games on the gaming machine is selected by the player of the gaming machine from a menu of available games provided on the gaming machine.

Claim 10: The Okada teaches that each slot game includes randomly selecting and displaying one or more pay lines of at least three symbols (Fig 1). Okada teaches the player making a first wager on a first pay line, a second wager on a second pay line and additional wagers on any subsequent pay lines by drawing from the common pool. If the resulting symbols of any pay line comprise a predetermined winning combination, to the common pool is credited a predetermined amount based on the amount of the corresponding wager. The player takes money from a common pool (the player's bankroll) and the common pool (the bankroll) is credited by any winnings – i.e., the player puts the money in his pocket. Furthermore, Gatley teaches a common credit register (p2, 31-36) from which bets are taken and to which winnings are paid.

Claims 19, 27: Gatley teaches the invention substantially as claimed, but does not teach a bonus game. Piechowiak teaches providing each slot game with a bonus screen feature which is activated if at least one predetermined symbol appears on an active pay line on the slot game screen display. (Col 1, 59-62) Piechowiak teaches that with a bonus game, “the players enjoy a heightened interest and

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enthusiasm in the gaming machine” that “translates into higher revenue for gaming machine proprietors”. (Col 1, 38-43) It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided each slot game with a bonus screen feature which is activated if at least one predetermined symbol appears on an active pay line on the slot game screen display in order to allow the players to “enjoy a heightened interest and enthusiasm in the gaming machine” that “translates into higher revenue for gaming machine proprietors”.

Claim 20: Piechowiak teaches that there are one or more predetermined features (e.g., bonus screen features). (Col 3, 54-55) Piechowiak also teaches that the bonus screen feature is selected randomly from this plurality of possible bonus screens. (Col 4, 63-65)

6. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatley and Piechowiak as applied to claim 19 above, and further in view of Thomas et al. (US Patent Number 6,190,255).

Claim 21: Gatley and Piechowiak teach the invention substantially as claimed, but does not teach a “pick-em” game. Thomas teaches such a game. Thomas teaches displaying at least two objects on a bonus screen (Fig 8). The player selects a bonus screen object which reveals an award to the player (the number symbols in Fig 9) until the player selects a bonus screen object that causes the bonus screen feature to end (the “Party Pooper” symbols in Fig 9) and accruing to the common pool of credits the total accumulated amount of the award achieved by the player during the play of the bonus screen feature. (Col 10, 25- Col 11, 13) “Pick-em” games are popular because players feel they have more control over

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the outcome. It would have been obvious to one of ordinary skill in the art at the time of the invention to have implemented the bonus screen feature as a "Pickem" game (as described in Thomas and immediately above) in order take advantage of the popularity of such games by allowing the players to feel they have more control over the outcome.

Claim 22: Piechowiak teaches the bonus screen award includes a special feature award in which the player receives an award based on the total amount wagered by the player. (Col 9, 22-24)

Claim 23: Thomas discloses randomly selecting from a group of possible multiplier numbers. (Col 5, 35-62) Thomas teaches that "bonus resources" are randomly chosen outcomes of the game and that they may be bonus multipliers.

Claim 24: Thomas teaches that the special feature award is an amount calculated to result in an average value that can be utilized to control the overall average payout of the gaming machine. (Fig 7)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reference Name	US Patent Number	Applicability
Frohm et al.	6,159,095	Multiple games, one machine
Ward	5,826,882	Multiple games, one cabinet
Vancura	6,033,307	Bonus with terminators
Fey	N/A	Multiple games, one machine/cabinet
Adams	6,159,095	Bonus with random multiplier

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-

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3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

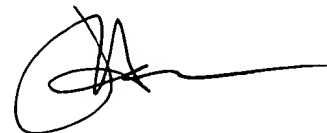
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

January 7, 2003



JESSICA HARRISON
PRIMARY EXAMINER